



An
Bord
Pleanála

Inspector's Report ABP-316426-23

Type of Appeal	Appeal under section 653J(1) of the Taxes Consolidation Act 1997, as amended, against the inclusion of land on the Residential Zoned Land Tax
Location	Kinvara, Co. Galway
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	GLW-C33-2
Appellant(s)	Alice Higgins (Murphy)
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site consists of 0.5028 hectares of land, almost triangular shaped located on the eastern side of Kinvara, Co. Galway. The site is located to the south of Cuan an Óir, which is a cul-de-sac of large detached, two storey houses, located to the south of the N67, the main road which crosses through Kinvara. Access to the site is from a short laneway to the south and which connects to a local road.
- 1.2. The site is undeveloped, is under grass and is in agricultural use. Adjoining lands area either in agricultural use or consist of detached houses on their own individual sites.

2.0 Zoning and Other Provisions

- 2.1. Kinvara is listed as a Small Growth Village in the Galway County Development Plan 2022 – 2028. The subject site is zoned R – Residential (Phase 1), with the surrounding lands zoned Residential Existing.

3.0 Planning History

- 3.1. PA Ref. 2260405 refers to a June 2022 decision to refuse permission for a part single storey, part two storey detached house, alterations to an existing entrance gate, new effluent treatment plant and percolation are and associated hard and soft landscaping, located on the southern part of the subject lands. Reasons for refusal included that the development would give rise to low density, piecemeal development contrary to the proper planning of Kinvara, the proposal was contrary to the Galway County Development Plan and access to the site was substandard in terms of available sightlines and would give rise to potential traffic hazard.

4.0 Submission to the Local Authority

- 4.1. The appellant made a submission to the Local Authority seeking to have their lands removed from the map as services are not available to enable the development of this site. In addition, the subject site does not have access to any services through Cuan an Óir as there is an area of third-party lands that prevents access.

5.0 Determination by the Local Authority

- 5.1. The Galway County Development Plan 2022 – 2028 came into effect on the 20th of June 2022. The lands are suitably zoned for residential development.
- 5.2. The subject lands are considered to be adequately serviced in terms of roads, footpaths, drainage, and water supply. Access is possible through Cuan an Óir as the lands here, including the small section of land within third party control, have been taken in charge by the Planning Authority.
- 5.3. The Planning Authority considered that the lands meet the criteria for the payment of the tax.

6.0 The Appeal

6.1. Grounds of Appeal

The following points were made in support of the appeal:

- The site cannot be accessed through Cuan an Óir, access is only possible through the L85531.
- Services necessary to enable the development of this site including foul drainage, public footpath and public lighting are not available through this access road.
- Foul drainage is not available to serve this site.
- The appellant has tried to engage with Galway County Council about the development of this site, without any success to date.

A number of supporting documents have been included with the appeal.

6.2. Planning Authority Response

- No further comment.

7.0 Assessment

- 7.1. The comments raised in the appeal are noted. The zoning allows for residential development and there are no known restrictions on the availability of the provision of services to this site. Access to the site appears to be the main reason as to why

this site cannot be developed at present. The Planning Authority in their assessment were satisfied that the site can be accessed and that other necessary services can be provided to enable the development of these lands for residential use. From the available information, vehicular/ pedestrian access can be provided through Cuan an Óir to the north of the subject site.

- 7.2. The provision of footpaths and public lighting can be provided through the development of this site. Uisce Éireann have confirmed that foul drainage is available along the N67 and on the Gort Road. No records exist of water services in Cuan an Óir, however water supply must be available as these houses are occupied.

8.0 Recommendation

- 8.1. I recommend that the board confirm the determination of the Local Authority and that the indicated site be retained on the map.

9.0 Reasons and Considerations

- 9.1. The appellant requested that their site be removed from the map due to the fact that these lands cannot be serviced as there is no direct connection between the lands and roads that are suitable for vehicular/ pedestrian use. It has been confirmed that access is available through Cuan an Óir to the north of the site, and the lands here have been taken in charge by Galway County Council. Water supply, drainage and other necessary services can be provided to enable the development of these lands.
- 9.2. The site is within an area with available services and no capacity or other reasons have been provided as to why the lands cannot be developed. The lands are zoned for residential development, and there is no reason why they should be removed from the RZLT maps.

I confirm that the report represents my profession planning assessment, judgment and opinion on the matter assigned to me and that no person has influenced or tried to influence, directly or indirectly, the exercise of my professional judgment in an improper or inappropriate way.

Paul O'Brien
Planning Inspector

3rd August 2023